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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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GARY MARCHESE, ROBYN  
BUONO, PAUL DAPONTES, JOSEPH  
FAZIO and ESTHER WEINSTEIN  
individually, and on behalf of all others  
similarly situated,

Plaintiffs,

v.

CABLEVISION SYSTEMS  
CORPORATION and CSC  
HOLDINGS, LLC,

Defendants.  
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: Civil Action No. 10-2190 (JLL) (MAH)

: **NOTICE OF MOTION TO DISMISS**

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: ***DOCUMENT FILED***  
: ***ELECTRONICALLY***

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: Return Date: December 5, 2011

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: ORAL ARGUMENT REQUESTED

**TO:** James V. Bashian, Esq.  
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**PLEASE TAKE NOTICE** that on **Monday, December 5, 2011<sup>1</sup> at 10:00 a.m.**, or as soon thereafter as counsel may be heard, Defendants shall appear before

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<sup>1</sup> See D.I. 62.

the Honorable Jose L. Linares, U.S.D.J., at the Martin Luther King, Jr. Federal Building and Courthouse, 50 Walnut Street, Newark, New Jersey 07101, and shall move this Court for an Order dismissing Plaintiffs' Third Amended Complaint for Failure to State a Claim Upon Which Relief Can Be Granted under Federal Rule of Civil Procedure 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of their Motion, Defendants shall rely upon their Brief and the Declaration of Jakob B. Halpern, submitted concurrently herewith, and any Reply papers submitted, and oral argument, if any. A proposed form of Order is also submitted for the Court's consideration.

**PLEASE TAKE FURTHER NOTICE** that oral argument is specifically requested.

Respectfully submitted,

**SAIBER LLC**

*Attorneys for Defendants*

s/ Arnold B. Calmann

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Dated: September 23, 2011